

CAUSE NUMBER PD-1445-16
(Court of Appeals Cause Number 02-11-00311-CR)

FILED
COURT OF CRIMINAL APPEALS
7/5/2017
DEANA WILLIAMSON, CLERK

FRED EARL INGERSON, III	§	
APPELLANT	§	
	§	
VS.	§	IN THE TEXAS COURT
	§	
THE STATE OF TEXAS	§	OF CRIMINAL APPEALS
APPELLEE	§	

APPELLANT'S SECOND MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:

Now Comes Appellant, FREDERICK EARL INGERSON, III, in the above styled and numbered cause, by and through his attorney of record, Scott Brown, and pursuant to Rules 10.5(b), Texas Rules of Appellate Procedure, files this Second Motion for Extension of Time to File Reply Brief, and for such Motion would respectfully show the Court as follows:

1. Trial Court: 355th District Court, Hood County, Texas;
2. Date of Judgment and Sentence: May 13, 2011;
3. Trial Court Cause Number: CR11514;
4. Style of Cause: *The State of Texas vs. Fred Earl Ingerson, III*;
5. Offense for Which Appellant was Convicted: Capital Murder (waiver);

6. Punishment Assessed: Life in the Institutional Division of the Texas Department of Criminal Justice;
7. Appellant is currently incarcerated;
8. Date Notice of Appeal Filed: May 13, 2011;
9. Court of Appeals: Second Court of Appeals – Fort Worth;
10. Style of Cause in Court of Appeals: *Fred Earl Ingerson, III v. The State of Texas*;
11. Court of Appeals' Cause Number: 02-11-00311-CR;
12. Date Court of Appeals' Judgment and Opinion Entered: October 27, 2016;
13. Court of Appeals' Opinion: Reversal and Acquittal;
14. Date State's PDR Granted: April 26, 2017;
15. Date State's Brief Filed: May 30, 2017;
13. Current Date for Appellant's Reply Brief: July 14, 2017;
14. Length of Time Requested for Extension: 45 days to August 28, 2017;
15. Number of Prior Extensions of Time: 1 (for 15 days);
16. The facts relied upon to reasonably explain the need for an extension:
 - a. Undersigned counsel is currently undergoing treatment for a medical condition. Side effects of this treatment are currently limiting undersigned counsel's ability to work full time. This treatment will be concluded in mid-July and undersigned counsel

anticipates being recovered and back to working full time by approximately the first week of August, 2017;

- b. The State filed its brief on May 30, 2017;
- c. Undersigned counsel was retained after the State filed its brief and Appellant's previous counsel withdrew;
- d. Undersigned counsel needs time to adequately review the exceptionally large record in Appellant's case and prepare a Reply Brief
- e. This extension is not requested for the purpose of delay, but so that justice may be done and undersigned counsel may effectively represent Appellant in this matter.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court will extend the time to file the Appellant's Reply Brief until August 28, 2017.

Respectfully submitted,

/s/Scott Brown
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State Bar Number: 03127100
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ATTORNEY FOR APPELLANT

CERTIFICATE OF CONFERENCE

On July 3, 2017 conference was held with Stacey Soule, State Prosecuting Attorney, and she does not oppose the granting of the relief requested herein.

/s/Scott Brown
SCOTT BROWN

CERTIFICATE OF SERVICE

I certify that a true copy of Appellant's Motion for Extension of Time to File Reply Brief has been served on July 5, 2017, via email or certified electronic service provider, to:

Hon. Stacey M. Soule
State Prosecuting Attorney
P.O. Box 13046
Austin, Texas 78711
information@spa.texas.gov

/s/Scott Brown
SCOTT BROWN